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Shridhar Mubaraq Mishra

1890-0205

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50255

7590

08/04/2008

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EXAMINER

ELPENORD, CANDAL

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

1. Applicant's arguments filed July 14, 2008 have been fully considered but they are not persuasive.

Regarding claims 9, 17, 25, the Applicant alleged that there is no motivation to combine the teachings of Bonomi '492 and Valdevit '345.

In response to Applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Examiner asserts that the combined teaching of Bonomi '492 and Valdevit '345 when considered as a whole clearly teaches the Applicant claimed invention.

In particular, having the method for managing the length of queue (col. 4, lines 13-15, col. 5, lines 1-5) of Bonomi '492 and the method and apparatus for detecting and preventing broadcast storms (col. 2, lines 66 to col. 3, lines 5) of Valdevit '345, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the features of Bonomi '492 by using features as taught by Valdevit '345. The motivation would have been to prevent broadcast storm based on the length of the

queues (the amount of traffic destined for particular queues exceeding the high threshold mark of the queues).

That is the broadcast storms method and apparatus of Valdevit '345 can be implemented by one skilled in the art into the existing teaching features of Bonomi '492 to arrive at the claimed invention. Additionally, implementing the broadcast storms method and apparatus of Valdevit '345 into the teaching features of Bonomi '492 would produce working method and system. In other words, incorporating the broadcast storms method and apparatus of Valdevit '345 into the teaching features of Bonomi '492 would not destroy the existing invention of Bonomi '492.

The Applicant alleged the references do not teach a "broadcast packet control unit configured to operate in a broadcast storm control mode if the obtained measure of the length of the at least one ingress queue rises above a first predetermined level before the data packets are queued in the at least one ingress queue, wherein the broadcast packet control unit is configured to only admit broadcast packets to the at least one ingress queue when not in broadcast storm control mode."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "broadcast packet control unit configured to operate in a broadcast storm control mode if the obtained measure of the length of the at least one ingress queue rises above a first predetermined level before the data packets are queued in the at least one ingress queue, wherein the broadcast packet control unit is configured to only admit

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broadcast packets to the at least one ingress queue when not in broadcast storm control mode." ) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

/Candal Elpenord/

Examiner, Art Unit 2616